

**Camden County Planning Board  
Minutes  
January 20, 2010, 7:00pm  
Historic Courtroom  
Camden County Courthouse Complex**

<b>Members Present:</b>	<b>Absent:</b>
Chairman Rodney Needham	Michael Etheridge
Vice Chairman Calvin Leary	Ray Albertson
Fletcher Harris	
John Aydlett	
David W. Bundy	

**Call to Order & Welcome**

Chairman Rodney Needham called to order the January 20, 2010 meeting at 7:00 PM.

**Others Present at Meeting**

**STAFF PRESENT**

<b>Name:</b>	<b>Title:</b>
Dan Porter	Director of Planning
Dave Parks	Permit Officer/Flood Administrator
Amy Barnett	Planning Clerk/Clerk to the Board

**OTHERS PRESENT**

<b>Name/Residence:</b>	<b>Title:</b>	<b>Purpose / Representing:</b>	<b>Meeting Section:</b>
NONE			

**Consideration of Agenda**

Chairman Rodney Needham called for consideration of the agenda.

Dave Parks asked the Board to amend the agenda to include nominations to fill the vacant position of Vice Chairman. Mr. Parks asked that this item be placed in the section for 'Old Business'.

Motion to Amend the agenda as suggested by staff made by: John Aydlett.

Motion Seconded by: Fletcher Harris.

The motion was approved with Chairman Rodney Needham, Members Calvin Leary, Fletcher Harris, David Bundy, and John Aydlett voting aye; none voting no; 2 absent; none not voting.

## **Consideration of the Minutes - December 16, 2009**

Chairman Rodney Needham called for consideration of the minutes from the December 16, 2009 meeting.

Motion to Approve As Written made by: Calvin Leary.

Motion Seconded by: John Aydlett.

The motion was approved with Chairman Rodney Needham, Members Calvin Leary, Fletcher Harris, David Bundy, and John Aydlett voting aye; none voting no; 2 absent; none not voting.

## **Comments from the Public**

None

## **Old Business**

Nominations were taken for the vacant position of Vice Chairman. Staff suggested a nomination of Calvin Leary for the position. Fletcher Harris seconded the nomination of Calvin Leary for Vice Chairman. Mr. Leary accepted the nomination. By a vote of 5-0, with 2 absent, the Planning Board then voted to accept Calvin Leary as Vice Chairman for the remainder of Terri Griffin's term of office. (Ms. Griffin has retired from the board.)

## **New Business**

### ***Item #1, Proposed Ordinance, #2010-01-01, "Internet Sweepstakes Café"***

Dave Parks described the proposed ordinance. This is the ordinance language that the Board directed staff to prepare and bring back to them, following the discussions regarding Internet Sweepstakes Café's from the last meeting. The use has been placed in the Table of Permissible uses under use number 6.130, subject to Article 151.347 of the Camden County Code of Ordinances. Also, in the language prepared, it is permissible only in CCD (Community Core) and HC (Highway Commercial) zones with Special Use Permits.

John Aydlett asked why this type of business wouldn't be allowed in a NCD (Neighborhood Commercial) district. Dave Parks answered that NCD districts allow commercial activity that serve the immediate needs of the neighborhood, and that an Internet Sweepstakes Café would not fit into that need.

At this time Dave Parks read '151.347 Specific Standards' (conditions) of the ordinance language (all new ordinance language).

*§ 151.347 SPECIFIC STANDARDS*

*(U) The following development and design standards shall apply to all Internet Sweepstakes Cafe's:*

*(1) If food is served, the establishment shall meet all requirements of the Albemarle Regional Health Services or appropriate state agency requirements.*

*(2) There shall be no consumption of alcoholic beverages on the premises to include parking areas.*

*(3) The gaming operation shall be visible and open to the store front.*

*(4) All exterior windows shall not exceed a window tint of 35%.*

*(5) The maximum number of player terminals shall be \_\_\_\_\_. No poker or slot style machines shall be allowed.*

*(6) The hours of operation shall be \_\_\_\_\_.*

*(7) Firearms shall be prohibited in the establishment.*

*(8) The establishment shall be limited to patron and employees at least \_\_\_\_\_ years of age.*

*(9) There shall be no other Café located within ½ mile of each other. The measurement of distance shall be a straight line from the closest point of the building at which the operations are located.*

Discussion:

Prior to the beginning of Agenda Item #1 under New Business, Dave Parks handed out a sheet showing an excerpt of the Table of Permissible Uses which showed the allowable zoning districts for Restaurants, Dance Halls, Bars and Night Clubs.

### Discussion regarding Specific Standard #2

A discussion (led by Mr. Dave Parks) took place concerning whether or not alcohol usage should be allowed in internet sweepstakes cafe's. Standard #2 in the language above says it should not, however, Restaurants, Dance Halls, Bars, and Night Clubs are all establishments that are allowed to serve alcohol according to the Table of Permissible Uses. Mr. Parks indicated the possibility that such establishments might possess gaming machines or terminals that could be seen as an accessory use to the establishment itself. He clarified that the condition of standard #2 is specific to the internet sweepstakes cafe itself and not the bar, night club, or restaurant area (if not a stand alone establishment). Mr. Parks indicated that his opinion is that standard #2 be taken as if the internet sweepstakes cafe is a stand alone establishment, that said to not allow alcohol use in a stand alone cafe.

Dan Porter agreed with Dave Parks that if used in a bar or night club, gaming machines / computers might be seen as an accessory use to the bar itself. Mr. Porter said that most of the internet sweepstakes cafe's he's read about on the NC E-ListServ (operating in different parts of the state) are stand alone operations. He added that some of these operations allow alcohol use and some don't, the ordinances in Elizabeth City (recently enacted) do allow alcohol usage. Mr. Porter further added that regulation of a combination of uses, allowing alcohol in bars but not in the internet cafe attached to the bars (separate room in same building), would be difficult at best. After further discussion, it was suggested that with regard to alcohol use in internet sweepstakes cafe's, it should be either all or nothing to facilitate ease of regulation.

Dave Parks added that at this time Camden County does not have any sports bars or night clubs, and so his opinion is that alcohol use be regulated as if any internet sweepstakes cafe's were stand alone establishments, that is to say not allow alcohol use on their premises.

### Discussion Regarding Specific Standard #3 & 4

Mr. Parks explained these two standards: The gaming terminals and business interior must be visible to persons walking by the store front. The interior must be visible from the exterior of the business.

### Discussion Regarding Specific Standard #5

There was some discussion regarding how to set the maximum number of terminals allowed per cafe. Mr. Parks suggested that it could be based on the size of the building or the size of the operation, or be a set maximum number. Mr. Parks also suggested that it could be addressed when an applicant applies for a special use permit for an internet sweepstakes cafe. Calvin Leary agreed with Mr. Parks that it should be: 'shall be made a condition of the special use permit'. The rest of the board seemed to concur.

### Discussion Regarding Specific Standard #6

Again, as with standard #5, the board was in agreement that this standard (hours of operation) 'shall be made a condition of the special use permit'.

Discussion Regarding Specific Standard #8

The board was in agreement that the minimum age for patrons and employees of internet sweepstakes cafes shall be no younger than 18 years of age.

Further Discussion Regarding Alcohol Use:

John Aydlett made the point that if Elizabeth City is allowing alcohol use in their internet sweepstakes cafes and Camden does not, if a potential business looks to open an establishment where are they going to look to open at? Camden or Elizabeth City? Dave Parks answered by way of saying that it is a set of standards put in place for the county... Camden is a small county that is still developing for right now, and some things may want to be restricted in ordinances for now. When the county grows to the point where it has sports bars and night clubs and the like, owners can come speak to the Planning Department if they want to add internet sweepstakes cafes to their establishments as an accessory use, the county can then address the alcohol issue at that time.

Additional Discussion:

Mr. Dan Porter mentioned that there are still lawsuits going through various courts of appeals in the supreme court with regards to allowing internet sweepstakes cafes. One lawsuit deals with gambling in general, and one deals specifically with internet sweepstakes cafes. Right now, internet sweepstakes cafes are allowed in the state... there have not been rulings specifically against them, the efforts here are to establish County ordinances as a preparatory measure to the Supreme Court rulings.

Chairman Rodney Needham voiced his opinion regarding internet sweepstakes cafes. He does not think that Camden County should promote this. He feels that there is no advantage in this type of business to the county, other than providing a few jobs.

Motion and Vote

Motion: Accept the ordinance as defined\* and pass it on to the commissioners as written.

Motion Made by: Calvin Leary

Motion Seconded by: Fletcher Harris

The motion was approved by a vote of 4-1 with Vice Chairman Calvin Leary, Members Fletcher Harris, David Bundy, and John Aydlett voting aye; Chairman Rodney Needham voting no; 2 absent; none not voting.

\*Note: 'As defined' pertains to specific standards #5, 6, and 8 as defined in the discussions and summarized here: Specific Standards 5 and 6: Maximum number of Player Terminals and Hours of Operation shall be made a condition of the special use permit; Specific Standard 8: Minimum age for patrons and employees shall be no younger than 18 years of age.

**Consider Date of Next Meeting – February 17, 2010**

(As of the date of update of this document, there was no meeting in February or March 2010.  
Next meeting is actually April 21, 2010)

**Adjournment**

At 7:35 PM, Vice Chairman Calvin Leary made a motion to adjourn the meeting. John Aydlett seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Fletcher Harris, David Bundy, and John Aydlett voting aye; none voting no; 2 absent; none not voting.

Date: \_\_\_\_\_

Approved: \_\_\_\_\_  
Chairman Rodney Needham

Attested: \_\_\_\_\_  
Amy Barnett, Planning Clerk